

WILLIAM CURRY  
ADA Liaison AWARE OF MR FISHMANS DISABILITIES  
Westchester Family Court – Yonkers, Third Floor  
131 Warburton Avenue  
Yonkers, NY 10701

ENTER:

HON. \_\_\_\_\_  
2<sup>ND</sup> DEPT  
Judge, \_\_\_\_\_ APPELLATE DIVISION

APPELLATE DIVISION SECOND DEPT COURT OF THE STATE OF NEW YORK  
COUNTY/CITY OF BROOKLN

MARC FISHMAN,

*Petitioner*

-against-

JENNIFER SOLOMON,

*Répondent*

AFFIDAVIT IN SUPPORT

*FILE NO. FU 131794*

State of New York

X

) ss.:

County of Westchester

)

**Marc Fishman**, being duly sworn, deposes and states as follows:

1. As April Agostino, appellate court clerk is very aware through multiple communications, I have not seen or had any contact with my four amazing children(two of which are disabled) children for over eight months due to disability discrimination by the presiding judge Susan Capeci and her court supervising social worker Elizabeth bussian, family court administrator Ivy Ozer and supervising Judge Davidson.
2. A formal proceeding has been commenced by the NYS Human rights Division see exhibit "A" , attached against Judge Capeci, Ny Unified Court System, Ivy Ozer, Elizabeth Bussian and Judge Davidson for failing to make the court program of visitation accessible to me and accommodate my disabilities.
3. I submit this affidavit to remove Judge capeci immediately for her willful blatant and intentional disability discrimination to deny me cart real time transcription, notetaker, aide of my choice, service dog, disability transportation use and home visits during federally and state funded court program visitation with my disabled children. Said

*Case  
2020-05245  
2020-05247*

behavior conduct and orders are highly illegal and a hearing to specify damages has been set for tomorrow. NYS human rights division previously determined that the New York Unified court system discriminated against employee zaic in the first dept in February and obtained \$35,000 in damages and a determination that the court system (similar to my case) discriminated against a person with hearing disabilities. I suffer from tinnitus and TMJ. These together with my neurostimulator and occipital neuralgia limit my hearing. Instead of giving me cart real time closed captioned transcription that the court gives now in other proceedings capeci has repeatedly denied me virtual and in person cart hearings in violation of civil rights laws and the nys human rights laws and ada. 9<sup>th</sup> district executive Mccalister has awarded me use of cart in support proceeding, but capeci has repeatedly refused the accommodation in opposition to NY courts own ada procedures of court accommodations.

4. If the court does not remove capeci now and appoint a neutral independent judge to oversee this case to award me frequent and regular visitation, I fear I will never see my kids until they are over 18 and not subject to family court. The kids and I face imminent harm and need the court to award in person visitation immediately, Several supervisors are conducting in person visits with low covid outbreak for the past 4 months and capeci has refused to use all the Hispanic and black supervisors who cost \$30 an hour instead of \$100 an hour as retaliation (prohibited under the ada) for suing and complaining against bussian and judge capeci as retaliation for my civil rights complaints against capeci.
5. I submit this affidavit to vacate and declare the order of protection dated 6/27/17 invalid because it was never served on me (see county database of orders of

protection exhibit B. I also seek to vacate the order or protection and declare the order of protection invalid as of 6/27/17 because I did not receive a copy in court on 6/27/17 because the sitting Judge Michelle Schauer had me jailed and failed to have me sign and acknowledge the order of protection like nondisabled litigant do and because judge schauer denied me a notetaker, tape recorder and cart real time transcription during her sentencing 6/27/17. These denial of accommodations are now subject to a federal lawsuit 20-1300 in federal court. Had schauer not denied these accommodations for my hearing and memory impairments, I would have had meaningful communication(approved by the court ada liaison William curry) and be able to understand the proceeding. Under Tennessee v Lane, it is illegal for a state to deny aids and ~~tools~~ for the hearing and memory impaired. This also violates atty general enforcing regulations under 28 cfr 35.130 and 28 cfr 35.134 and 28 cfr 35.160. Judge Schauer intentionally denied the notetaker after having an ada hearing six days before being told I do not hear and remember well.

6. Capeci is well aware an order of protection is invalid under criminal and family law if it is not served. Judge capeci seeks to limit my kids access to me be cause of this illegal, unserved, and unexplained and unacknowledged order of protection.
7. My ada advocate was in court 6/27/17 (donna drum) and also did not receive this order of protection that is being used in 2020 to keep kids away from their dad. My atty never gave me any order of protection and told the guards an I and court officers in jail that he had not received the order of protection 6.27/17 to explain it to me when he visited me twice in jail. Furthermore, my atty Ian Spier who was assigned was very forgetful with his Parkinson's condition and judge schauer refused to

replace him or allow my notetaker to help him during trial. Atty dambrosio blocked my notetaker access to the court on 6/27/17 in violation of the ada and a central issue in federal lawsuit 20-1300 now in federal appellate court 2<sup>nd</sup> district.

8. There was no special order to serve me in jail from the court. This further supports that I was not served the order of protection issued after I was jailed 6/27/17. No one served me any order of protection in jail after the 6/27/17 hearing.
9. I submit this affidavit requesting the court immediately restore the previous supervisor, licensed Social worker African American (with 24 years social worker experience) Ann Elliot as supervisor for eight hours visitation weekly starting 8/22/2020 and restore all my family court petitions filed since the fall of 2018 against Jennifer Solomon. These include petitions for disability parent alienation and for restoration of unsupervised visits. Jennifer Solomon interfering with visits and causing me to be arrested for violating an order of protection, Jennifer who was present in court 6.27.17...knows I did not receive is the ultimate behavior of a disability discriminating parent.
10. I submit this affidavit in advance of the Human rights hearing 8/25/2020 where the NY unified court system Judge Capeci, Ivy Ozer, Judge Davidson and Elizabeth <sup>State</sup> bussian have been found to be in violation of the human rights laws of the ~~State~~ of Ny and the ada for willful disability discrimination, retaliation and failure to accommodate mr. fishman's disabilities and those of his two sons [REDACTED] and [REDACTED].
11. Elizabeth Bussian has refused and continues to refuse for over 8 months now to do any home based visitation service unless she receives a full retraction of civil rights complaints her for overcharges, failure to accommodate disabilities, and retaliation .

This retaliation is illegal and violates the human rights laws warranting Elizabeth bussian's removal from the case for disability discrimination, retaliation, <sup>is mandatory</sup>  
*under Judicial Rules of Conduct 100.1 to 100.9.*

12. The criminal case is about to be dismissed as the police withheld exonerating evidence and the court cannot ignore the Brady motion that clears Mr. fishman's good name. Have asked April agostino 6 times for permission to appeal the criminal trial where I was found guilty of violating an order of protection during a prepaid, pre-planned, prescheduled and pre-confirmed court ordered visit with the supervisor present. (before the police Brady violation that the police knew prearrest in their computer database that I was not served with the order of protection---because—see exhibit "B". the police withheld this from my atty and I. this exonerating evidence "note party not served with the order of protection." This portion is highlighted with five stars and is in all capital letters in computer records of county and police. This was whited out in discovery from da scarpino and the police. Disability discriminating criminal judge Zuckerman has refused to rule on my attys three motions to dismiss the criminal case for violating an order of protection that I never received and instead—has adjourned the criminal hearing seven times since January. Judge Zuckerman has also ignored this courts decision 2/26/2020 that all orders of protection were subject to supervised visitation in the family court case. This decision could not be shown to the jury as it was issued a month after criminal conviction in January 2020.

13. Based on the Brady violation filed by my criminal attorney today in written papers to the criminal court, it is clear the criminal conviction will be reversed and vacated. The police, New Rochelle, Westchester County and corrupt disability discriminating

soon to be evicted from officer DA Scarpino willfully, blatantly and intentional conspired and acted in unison to withhold evidence that clears my good name and failed to turn over full discovery in the criminal case. The New Rochelle police knew I was not served with the order of protection before the arrest because their computer database of orders of protection had an alert that stated, “ note caveat party not served with the order of protection.” Had my criminal or previous family attorneys or I had this official police record document, it would have been shown to the jury/judge and I would have been acquitted. This Brady violation is very very serious and was only found after New Rochelle’s insurance attorney in my federal disability discrimination case disclosed it in federal court to me.

14. The police intentionally made a false arrest. The district attorney conducted a malicious prosecution. If corrupt, biased and disability discriminating Da Scarpino does not dismiss the charges now, then da elected Mimi Rocah and her conviction integrity unit will. Mimi Rocah, who has high integrity, a record of disability inclusion and strong ethics and will end the malicious prosecution of my case and many, many others where DA Scarpino intentional violated the law, discriminated and failed to turn over required discovery. DA Scarpino knew police withheld evidence and prosecuted anyway because he is so pro cop that he does not care about laws and discovery rules. DA Scarpino and disability discriminating ada Amit Parib have a win at all costs mentality that severely prejudices the disabled like me to equal treatment in court. Disability discriminating ADA Amit Parib treated the court like an acting theater and consistently told lies about me to paint a false picture for the uninformed jury (that lacked evidence withheld by police and da to clear my name).

Amit also fought reasonable disability accommodations needed for my disability including mourning only court appearances because the district attorney has an anti-disability culture.

15. The Federal Judge has refused to dismiss the false arrest, disability discrimination and malicious prosecution lawsuit I filed against the police, New Rochelle and Westchester because he knows the police and da violated my civil rights substantially in case 19-cv-00265-nsr (as further proof after a year and eight months of federal litigation that my false arrest and malicious prosecution case has substantial merit.)
16. A family court judge who was provided proof I wasn't served with the order of protection must dismiss any family court violations against me (for the unserved order) and clear my good name under the family court act. Judge Capeci refuses to dismiss the petitions of my ex-wife or have a full hearing on this matter of dismissing my ex-wife's petitions and reinstating my petitions and must therefore be removed by this higher court. Under the family court act, I am allowed to confront the witnesses and prove I was not served an order I am accused of violating. Capeci has refused a traverse hearing or any hearing with cart for me to have meaningful communication with the court to convey my civil rights. An order of protection that is not served is not valid. Court clerk Ed Edmead during the criminal charge testified that I was not served in court with the alleged order of protection he prepared after I left court. Judge Schauer and Marie Dambrosio knew I had left ear tinnitus and parotid mass infection and had hearing problems because it was told to her in numerous ADA accommodation requests and in the court ordered pysch report of dr mel gluck. Schauer knew I had surgery on my TMJ, jaw and that the parotid mass was causing

numerous hearing problems for me. Schauer took certified medical records from New Rochelle to Yonkers with her when she moved the case and was well aware of my multiple disabilities and need for hearing and memory accommodations. Magistrate Jordan complained in New Rochelle support proceedings on the record that schauer took the certified medical records provided to New Rochelle family court. Magistrate Jordan had to so order new medical records because schauer took the records meant for the support case. Cannot be legally held responsible for something I did not hear and was not served with. Schauer and dambrosio intentionally denied me meaningful communication in court when the alleged order of protection was prepared while I was already in jail. Marie Dambrosio, court administrator, physically denied my notetaker into the courtroom and judge schauer denied cart and a tape recorder to help me remember on the 6/27/17 court date. A federal action in case 20-1300 will hold oca and dambrosio accountable together with district exec Nancy Barry and court ada liaison Dan weitz for willful and intentional administrative disability discrimination. Judge schauer also threw my ada advocate out of the courtroom after I was taken to jail. There is zero record that any order of protection was given to my ada advocate, Donna Drumm on 6/27/17. Other orders of protection when given to me in other court appearances were referenced in the official court transcripts as "party supplied with order of protection with date and time." There are zero notes or references to an order of protection be handed to either me or my attorney or advocate on 6/27/17 in the official transcripts the court has. There is zero record I was served an order of protection in the jail hospital where I was taken and housed for two weeks on 6/27/17. In fact the jail guards and court

officers told me that they did not have any papers to give me when I asked them in the holding cell how long I was sentenced for and what are the conditions. In fact guards told my attorney and I they did not know how long sentence was because "judge schauer had not generated any paperwork."

17. Jennifer's intentional attempts to restrict kids from me both before and after arrest are the definition of self-help and disability parent alienation. Jennifer facilitated and made false complaints to cops that 12/15/18 was in her opinion not an official prepaid, prescheduled, reconfirmed and pre-established court visit. In fact both Ann Eliot and Isabel Bolivar testified 12/15/18 was a court ordered prepaid visit and prescheduled visit. Jennifer and I had multiple texts and telephone communications that 12/15/18 was a court ordered supervised visit and communicated and confirmed the visit 12/15/18 with Ann Elliot. I did not receive any communication from afc hannon or Jennifer's atty Nicole feit that the visit 12/15/18 was cancelled, like I did for other cancelled or rescheduled visits. The 12/15/18 date fit perfectly with the schauer order and schedule of visits. The arrest was just retaliation by Jennifer for her unlimited quest to jail, destroy and kill me and ruin any relationship with my loving kids and I. Jennifer knew I did not have any communication with her and lied to cops the day of the arrest that I allegedly went on her property//when Jennifer knew I did not violate the order of protection with zero distance to stay away from the property.

18. Ann Elliot is the best-qualified Social Worker because ANN already has an established rapport with the family and kids. Social workers are expensive and ANN ELIOT who charges \$35 an hour (less than the \$100 by Elizabeth bussian) is in the

unique position to be able to get a report in the least amount of time possible, since the therapeutic rapport has been established already and Ann is aware of the disabilities of my sons and I and needed for ada accommodations.

19. Due to Ann Elliot and Isabel Bolívar's sworn testimony on Monday that 1/27/2020 that 12/15/18 was a court ordered visit per visitation order, prescheduled and preconfirmed with Jennifer Solomon and Ann Elliot before the visit. Ann testified that Jennifer interfered with the visit and did not let the visit take place 12/15/18 even though ann walked to Jennifer's house to pickup the kids during the regularly scheduled visit time on alternate Saturdays. Since Jennifer intentionally interfered and stopped the paid preconfirmed, prescheduled, and prepaid visit, am seeking a guardian ad litem to be appointed for all four children and the temporary suspension of Jennifer's decision making and custody pending hearing on this show cause. Interference with over ten court ordered visits for the noncustodial parent between November 2019 and January 2020 is so against the kids best interests that deem Jennifer is unfit to be the custodial parent. The custodial parent is uniquely responsible to insure all visits take place with the noncustodial parent. Ann was paid for two visits that did not take place in 2018 and Elizabeth Bussian was paid for four visits that did not take place in 2019 and 2020. Jennifer also missed court ordered visits after the arrest by exercising self help and determining she was going to willfully disobey schauers order.

20. Had Judge Rice known I was NEVER SERVED with the court order dated 6/27/17 or 6/13/18, and that Ed Lemead(court clerk who prepared the order of protection schauer signed) lied that he served me the order in court, she would have immediately

dismissed the charges on 12/17/18. In order for the an order of protection to be valid it must be duly served on the defendant, acknowledged by him and explained to him or her and signed by the defendant. Ed le mead testified I did not sign the order nor was I in court when he printed it. There were no papers in my hand when I was taking to the holding cell and the only things brought to me in the cell were my disability bag with neurosimulator remote and charger. I was in handcuffs and my left fingers were numb preventing me from holding any papers due to my cubital tunnel disability in my left arm.

21. The appellate division must act/ have been subject to wrongful prosecution for 20 months. The lower criminal court refuses to give me an appealable order. Given I was not served ..this matter should have never been tried in criminal court but stayed in family court.
22. The appellate division has a duty to declare an order of protection not served and not given properly to a heard of hearing individual invalid to end the malicious criminal and family cases against me. Not to act immediately with such damning evidence is disability discrimination. Nondisabled get motions answered timely in family and criminal court. Criminal court is trying to cover for a soon to be evicted da and fired police officer. Incoming da has assured people like me that there will be a fair and impartial da conviction integrity unit that is absent with da scarpino now. Mimi won primary election and takes office ion January when she beats the republican.
23. When I met with my attorney Ian spier at the holding cell, Mr. spier told me no papers had been generated and a guard walked in and confirmed it. Mr. Spier asked the guard for the sentencing order as Mr. Spier at the time could not tell me if I was

jailed for three months, three weeks or 9 weeks as nothing was given to him in writing. The guard stated she did not have it yet as all orders were not printed. I left the holding cell and was transported to Westchester county jail without knowing how many weeks I had in jail or any papers on me.

24. My disability advocate Donna Drumm who was present 6/27/17 did not recall me being taken away to holding cell/jail with any papers from ed lemead or ed mead court clerk either. Donna drum and the guards reports ms drum handed my disability bag to the court officers to give to me WITHOUT ANY COURT ORDERS IN IT.

25. No court transcript from 6/27/17 was entered into evidence by the da or defense because judge Schauer had the transcriber Al's transcription service suspended by oca for alleged inaccurate transcripts. There was no transcript to verify any account of what happened ENTERED INTO COURT EVIDENCE AT THE ZUCKERMAN TRIAL (see exhibit B.)

26. It was my understanding that any order of protection was subject to a carve out for visitation based on previous orders of protection shown to me AND PREVIOUS VIISTS INCLUDING OVER 20 VIISTS CURBSIDE AND PICKUP AT JENNIFER'S HOUSE IN THE LAST 5 PLUS YEARS.

27. The police and da refused to charge me with violating any order of protection for any child as there was a valid visitation order from judge schauer 6/13/18 in effect when ann elliot was present on alternate Saturdays from 10 to 5 pm with me. The alleged incident was on an alternate Saturday between 10 and 5 pm, so no crime was alleged or committed by me against the children.

28. Jennifer's continued insistence to the district attorney to sign an order of protection for the kids against me is continued parent alienation and interference with visitation. Said conduct warrants suspension of her custody and her access to kids limited to supervised contact. ANY ORDER OF PROTECTION NOW IS SOLELY DESIGNED TO LIMITS AFTHERS ACCESS TO ME. That is disability parent alienation.

29. I AFFIRM NO ORDER OF PROTECTION WAS SERVED ON ME 6/27/17 and ed lemead, the court clerk for schauer testified he marked the alleged order of protection served on me in court "IN ERROR" as he did not see it served on me and I was not present in court when he generated the order of protection, nor when Judge schauer allegedly signed it.

30. I seek hearing to determine if temporary sole custody OF All four of our children [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Fishman should be transferred to me after the court stenographer reads the hearing into the record in family court. I seek temporary sole custody while a petition for permanent sole custody is pending and filed two days ago Family court. I seek temporary and permanent sole due to parent alienation of [REDACTED] fishman by Jennifer Solomon and attempted parent alienation of [REDACTED] Fishman and willful interference with non-custodial parent visitation 12/15/18 with all four children. I seek temporary sole custody because from 12/22/18 through mid January 2019 Jennifer intentional, willfully and directly exercised self help and missed court ordered visitation with ann elliot supervisor with the three children [REDACTED], [REDACTED] and [REDACTED] fishman(who were not in Judge Rice's order of protection dated 12/17/18 like [REDACTED] was.). I also seek sole custody because Ms. Solomon false fully reported

a crime of criminal contempt to the police, da and idv court that alleged, I falsely entered her property WITH KNOWLEDGE I DID NOT SET FOOT IN HER PROPERTY , IN HER HOME OR ON HER RESIDENCE. Judge Zuckerman stated on the record in court last Monday with Judge Warhit in the court room "that he could not see the contempt order sustained under law since three witnesses all testified including Jennifer, Ann and Isabel" Judge Zuckerman repeated "it was conclusive that Mr. fishman did not enter Ms. Solomon's property" and that the order of protection DID NOT LIST ANY NUMBER OF FEET TO STAY AWAY FROM THE PROPERTY. Judge Zuckerman stated he was disturbed at how vague the order of protection judge schauer issued was and that it did not specify any distance to stay away from the home, school or workplace of Jennifer Solomon. Judge Zuckerman stated he could not find any appellate case law where a defendant was in violation of a contempt order without distance on it when he was driven past a house. Judge Zuckerman also noted marc fishman did not sign acknowledgement of the order of protection from 6/27/17, and that he did not go on Jennifer's property, sidewalk, curb or in her house or gate based on the credible testimony of witnesses. .

31. Jennifer knew in order for an order of protection to be valid it had to be served on me in person, explained to me, acknowledged by me and that I would have to be asked in person if I had any questions about it and understood its contents. Jennifer knew of my disabilities including memory/hearing impairment form years of court appearances and knew in order for me to register anything with post concussion disability that I must read and study a written document multiple times.

32. The order of protection in favor of Jennifer Solomon was never served on me in court 6/27/17 and since I did not receive it cannot be valid. I was taken away to a holding cell 6/27/17. Court officers/Guards delivered my neurostimulator handicap bag and remotes, but no papers were given to me that day in court holding cell or court that day.
33. Regardless of what a criminal jury trial stated, a family court judge has a different standard as to whether a family court order of protection was actually or legally served on a defendant and explained to him or her. I submit under the witness testimony in criminal court, no family judge or criminal judge could sustain a finding the order of protection was valid from 6/27/17 as it was never served or explained to me unlike what the order stated it was served.
34. A motion to dismiss/set aside the criminal convictions was submitted in the spring and is undecided by the criminal judge.
35. As such I seek a hearing to reinstate all my family court petitions from November 2018 through February 2019 against Jennifer and dismissal of all petitions from Jennifer against me and a finding the order of protection was not served on me from 6.27/17 or 6.13/18. On 6/13/18 it was undisputed that schauer did not hold court and no order of protection was served on me from 6/13/18.
36. Have not seen my children in over eight months since 12/19 due to Jennifer's false criminal charge, interference with custodial visitation, false allegations and disability discrimination by judge capaci, ivy ozer and Elizabeth bussian who all failed to have disability accessible visits.

37. Had to go to NY human rights to get permission to file a show cause in family court today BECAUSE JUDGE CAPECI AND IVY OZER CONTINUE TO RETALIATE FOR MY LAWSUIT AGAINST OFFICE OF COURT ADMINISTRATION AND JUDGE SCHAUER.
38. Ann Elliot and Isabel Bolivar testified that 12/15/18 was a duly court ordered visit. Ann Elliot and Isabel Bolivar testified that Jennifer interfered with the visit and caused the visit not to happen. Such willful, intentional and direct interference by Jennifer is so wholly against the kids best interests to warrant the custodial parent unfit to continue to have sole custody. See case Matter of Jooten v Jooten, 282 AD2 748, 748 2001. Then for Jennifer to miss visitation the following 3 weeks with the other three children not covered in judge Rice's order of protection furthered the custodial interference with noncustodial visitation. Such interference was willful. Jennifer decided to not follow the order for visitation and not make up the 12/15/18-missed visit that I prepaid for.
39. Parent alienation is against the kids interests and must be stopped when the court is alerted to it. There has been zero communication with the kids and their dad in over a seven months. Emergency action by the court is required to stop the parent alienation and wrong the civil rights violation by the court, police, da and Jennifer Solomon.
40. This is not the first time Jennifer made false accusations she knew where not true. Jennifer filed and or charged larceny the second and third degree to get an order of protection in June 2014. Jennifer knew the charges were false and testified last week she knew the charges were false. But Jennifer swore to the court and judge Klein her allegations were true of larceny anyway.

41.. The cops fumbled and arrested me because they said the visit was not prescheduled or valid. The cops stated Ann Elliot was not a supervisor and that my visitation order was invalid and not recorded in the system. The 12/15/18 visit was prescheduled, prearranged and confirmed. The visit was during the scheduled time of the visits and all court orders were followed. The Capeci court as well as Judges Rice, Warhit, and Ketner have all conspired with Westchester county to unreasonably delay, postpone and interfere with my rights to an expeditious 90 day jury trial post arrest. This illegal and discriminatory delay has been done intentionally to delay the federal lawsuit against the county and new Rochelle police for violating my civil rights in front of Judge Roman filed last January(a year ago) If the Misdemeanor charge was valid, the police would have had to arrest the supervisor Ann Elliot who attended with me as an accomplice to a crime for facilitating a crime. Instead Ann Elliot was not arrested or detained as the police knew there was a valid entered/recorded court order for visits that HAD A CARVE OUT IN kids ORDER OR PROTECTION to take place. The police failed to follow the court order because they discriminate against disabled people and failed to conduct the arrest to accommodate my disabilities or permit my aid to attend the arrest process to assist me with my ada disabilities. New Rochelle and Westchester County have a disturbing history of violating the rights of the disabled. Several Westchester government entities including the county jail are under anti-discrimination and federal supervision orders and decrees. This Capeci court was overturned for disability discrimination in the case Judge Capeci heard in Parris v. Wright earlier this year.

42. Currently there is visitation and no contact between father and children.. Per Daghir v Daghir, IN PERSON visitation must be frequent and regular. Jennifer cannot be trusted, as the custodial parent to insure any regular visits with all four children will take place. **ELIZABETH BUSSAIN REFUSES ANY IN HOME OR IN PERSON VISITS NOW FOR OVER SEVEN MONTHS AMD MUST BE REMOVED FROM THIS CASE** because bussian is making visitation unavailable unless a lawsuit against her is dismissed. Under family law, there are no contingencies for visitation between father and children

43. Ann Elliot has stated she will perform home based visits for my need for disability accommodations while the appointed supervisor bussian has never done a home visit recommended by my doctors.

44. The court needs to stop discriminating against my kids and I and award temporary sole custody to me with supervised visitation to Jennifer Solomon. Jennifer Solomon due to her false lies cannot be trusted to not alienate or attempt to alienate the kids when I am not present. All of this retaliation and visitation restrictions are illegal under the ada. Hope and pray the court grants all requested relief or will have no choice but to seek emergency relief in federal court.

45. In person "Visitation is required to be frequent and regular" per case sited in Daghir v Daghir, 82 AD2d at 194, affd 56 NY2d 938 [1982]; see Matter of Graves v. Smith, 264 844 AD2d [1999]; Matter of Gerald D. Versus Lucille S., 188 AD2d at 650. In order to develop meaningful relationship with his or her child, visitation must be

frequent and regular. Jennifer willfully interfered with visitation multiple times and

she should lose custody for that willful continued interference. *There is no*

*in person visitation order in effect, so appellee's son must Grant in*

46. Parental access with a non-custodial parent is presumed to be in the best interests of

the child per case Matter of Granger v. Misercola, 21 NY3d 86, 90, Matter of Grimes

v. Pignalosa-Grimes, 165 AD3d 796, 797 and Matter of Irizarry v. Jorawar, 161

AD3d 863, 864. Jennifer interfered with the best interests of my four kids. [REDACTED]

was not alienated before the false arrest 12/15/18 based on false criminal contempt

complaints by Jennifer that Jennifer knew were false.

47. In the interim am requesting to be able to send my kids gifts and call them on their cell phones like nondisabled parents do in other court

48. Due to the active investigation by NYS human rights and the appellate decision in the first department decision where the court discriminated against mr zaic who is also hearing impaired, it is imperative for the court system and its administrators/judges to stop discriminating against the hearing impaired like me. The court was fined \$35,000 for denying mr zaic hearing accommodations in an act of deliberate disability discrimination as certified by the appellate division first dept earlier this year..

49. Am seeking judge Capeci's removal because she intentionally denied me filing this showcause until she was contact by state human rights that her conduct was illegal and violated the ada and state human rights laws. Judge capeci has not only discriminated and retaliated against me but is under active investigation by both the usdoj and commission on conduct for racial bias and discrimination against minorities. Judge Capeci is unfit to sit on a high court bench and wear the judge's